

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION

IN RE: AMELIA CHARLENE GREGG

#13-51541

Chapter 13

NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING

Pursuant to Local Rule 9013-1(h), the court may consider this matter without further notice or hearing unless a party in interest files an objection. If you object to the relief requested in this paper, you must file with the clerk of the court at US Bankruptcy Court, 220 West Depot St., Ste. 218, Greeneville, TN 37743 an objection within thirty (30) days from the date this paper was filed and serve a copy on the Chapter 13 Trustee, PO Box 228, Knoxville, TN 37901 and the debtor(s)' attorney, MARK A SKELTON, ATTORNEY, 121 SOUTH DEPOT STREET, ROGERSVILLE, TN 37857-3303. If you file and serve an objection within the time permitted, the court will schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the court will consider that you do not oppose the granting of the relief requested in this paper and may grant the relief requested without further notice or hearing.

**OBJECTION BY CHAPTER 13 TRUSTEE TO PROOF OF CLAIM
FILED BY US BANK NA DBA US BANK EQUIPMENT FINANCE**

The debtor(s) confirmed plan provides that the collateral securing the claim of US BANK NA DBA US BANK EQUIPMENT FINANCE filed on 12/12/2013 in the amount of \$113,206.26 is to be "surrendered in full satisfaction" of the debt. Since 11 U.S.C. §1327 provides that the terms of a confirmed plan bind creditors, the Chapter 13 Trustee submits that she has no authority to pay this claim and moves the Court for an order disallowing this claim in its entirety.

SUBMISSION AND CERTIFICATE OF SERVICE BY CHAPTER 13 TRUSTEE

Based on information and belief, the Chapter 13 Trustee hereby certifies the correctness of the facts contained in this Objection, Notice and Proposed Order and hereby certifies that a true and exact copy of the same has been serviced by electronic mail and/or by first class United States mail postage prepaid on the following individuals as addressed below this 12th day of January 2015.

/s/ Gwendolyn M. Kerney (by ml w/perm)
GWENDOLYN M. KERNEY, #07280
Chapter 13 Trustee
PO Box 228
Knoxville, TN 37901
(865) 524-4995

AMELIA CHARLENE GREGG/ , DEBTOR(S)
P.O. BOX 843
ROGERSVILLE, TN 37857

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MARK A SKELTON
ATTORNEY AT LAW
121 SOUTH DEPOT STREET
ROGERSVILLE, TN 37857-3303

UNITED STATES TRUSTEE
800 MARKET STREET SUITE 114
KNOXVILLE, TN 37902

US BANK NA
DBA US BANK EQUIPMENT FINANCE
ATTN: OFFICER OF THE BANK
1310 MADRID STREET
MARSHALL, MN 56258-
CERTIFIED MAIL: #7012 3460 0003 5639 3705

US BANK NA DBA US BANK EQUIPMENT FINANCE
ATTN: JACQUELYN GREENWOOD
1310 MADRID STREET
MARSHALL, MN 56258
CERTIFIED MAIL #7014 0150 0001 6066 7392

GARRETT P. SWARTWOOD, ATTY.
1111 NORTHSORE DR., N.W., STE. S-700
KNOXVILLE, TN 37919-4074

2:13-bk-51541

17. ***SPECIAL PROVISIONS.**

The real properties located at 107 Forest Hills Loop, Rogersville, Hawkins County, Tennessee 37857, and 223 Russell Drive, Rogersville, Hawkins County, Tennessee 37857, have a combined tax appraisal of \$286,400.00. Both properties are collateral on one mortgage lien in favor of US Bank, N.A. The properties are to be immediately listed for sale. If said real properties are not sold or been placed under contract within 12 months, the properties are to be sold at auction. The net proceeds of the sales shall be used to pay US Bank's mortgage and arrearage in full. The mortgage balance is estimated to be \$104,602.34 with an arrearage balance estimated to be \$5,616.69.

Delinquent Hawkins County and City of Rogersville property taxes are to be paid with net proceeds from sale of real properties.

The remaining net proceeds from the sale of real properties located at 107 Forest Hills Loop, Rogersville, Hawkins County, Tennessee 37857 and 223 Russell Drive, Rogersville, Hawkins County, Tennessee 37857, are to be paid into the debtor's chapter 13 plan to be applied to the arrearage payments to Chase Home Mortgage and Wells Fargo Home Mortgage on the debtor's residence which is located at 121 Forest Hills Road, Rogersville, Hawkins County, Rogersville, Tennessee 37857.

The Internal Revenue Service, Tennessee Department of Revenue, and Tennessee Department of Labor and Workforce shall be paid with any remaining net proceeds from the sale of the real properties.

Debtor acknowledges and agrees that she will increase her plan payments in the future in the event sufficient funds are not realized from the sale of the real properties to pay a 100% dividend to unsecured creditors.

The equipment lease with US Bank, National Association. is rejected. The equipment is to be returned in full satisfaction of all lease obligations of debtor to US Bank, National Association.

B10 (Official Form 10) (04/13)

UNITED STATES BANKRUPTCY COURT Eastern District of Tennessee		PROOF OF CLAIM
Name of Debtor: Amelia Gregg		Case Number: 13-51541
NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): US Bank NA dba US Bank Equipment Finance		<div style="font-size: 24pt; font-weight: bold;">FILED</div> <div style="font-weight: bold;">U.S. Bankruptcy Court Eastern District of Tennessee</div> <div style="font-size: 18pt; font-weight: bold;">12/12/2013</div> <div style="font-weight: bold;">Danny W. Armstrong, Clerk COURT USE ONLY</div>
Name and address where notices should be sent: US Bank NA dba US Bank Equipment Finance 1310 Madrid Street Marshall, MN 56258 Telephone number: (866) 834-9828 email: jacquelyn.greenwood@usbank.com		
Name and address where payment should be sent (if different from above): Telephone number: email:		
1. Amount of Claim as of Date Case Filed: \$ <u>113206.26</u> If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.		
2. Basis for Claim: <u>Judgment/ Equipment Finance Agreeme</u> (See instruction #2)		
3. Last four digits of any number by which creditor identifies debtor: <u>4318</u>	3a. Debtor may have scheduled account as: <u>550-0034318-000</u> (See instruction #3a)	3b. Uniform Claim Identifier (optional): (See instruction #3b)
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information. Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: Value of Property: \$ _____ Annual Interest Rate (when case was filed) ____% <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable		
<div style="display: flex; justify-content: space-between;"> <div> Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ _____ Basis for perfection: _____ Amount of Secured Claim: \$ _____ Amount Unsecured: \$ <u>113206.26</u> </div> </div>		
5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.		
<input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).	<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. §507(a)(4).	<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. §507(a)(5).
<input type="checkbox"/> Up to \$2,775* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. §507(a)(7).	<input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. §507(a)(8).	<input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. §507(a)().
*Amounts are subject to adjustment on 4/01/16 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.		
6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)		

7. Documents: Attached are **redacted** copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, security agreements, or, in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). If the claim is secured, box 4 has been completed, and **redacted** copies of documents providing evidence of perfection of a security interest are attached. If the claim is secured by the debtor's principal residence, the Mortgage Proof of Claim Attachment is being filed with this claim. (See instruction #7, and the definition of "**redacted**".)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

8. Signature: (See instruction #8) Check the appropriate box.

☒ I am the creditor.

☐ I am the creditor's authorized agent.

☐ I am the trustee, or the debtor,
or their authorized agent.
(See Bankruptcy Rule 3004.)

☐ I am a guarantor, surety, indorser, or
other codebtor.
(See Bankruptcy Rule 3005.)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: Jacquelyn Greenwood

Title: Administrative Assistant

Company: US Bank NA dba US Bank Equipment Finance

Address and telephone number (if different from notice address above):

/s/ Jacquelyn Greenwood

(Signature)

12/12/2013

(Date)

Telephone number: . email: .

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.